

INITIATIVE 713

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 713 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to the humane treatment of wildlife and pets;
2 adding new sections to chapter 77.15 RCW; creating a new section; and
3 prescribing penalties.

4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The people of the state of Washington find
6 that this act is necessary in order to protect people and domestic pets
7 and to protect and conserve wildlife from the dangers of cruel and
8 indiscriminate steel-jawed leghold traps and poisons, and to encourage
9 the use of humane methods of trapping when trapping is necessary to
10 ensure public health and safety, protect livestock or property,
11 safeguard threatened and endangered species, or conduct field research
12 on wildlife.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.15 RCW
14 to read as follows:

15 The definitions in this section apply throughout sections 3 through
16 5 of this act.

17 (1) "Animal" means any nonhuman vertebrate.

18 (2) "Body-gripping trap" means a trap that grips an animal's body
19 or body part. Body-gripping trap includes, but is not limited to,
20 steel-jawed leghold traps, padded-jaw leghold traps, Conibear traps,

1 neck snares, and nonstrangling foot snares. Cage and box traps,
2 suitcase-type live beaver traps, and common rat and mouse traps are not
3 considered body-gripping traps.

4 (3) "Person" means a human being and, where appropriate, a public
5 or private corporation, an unincorporated association, a partnership,
6 a government, or a governmental instrumentality.

7 (4) "Raw fur" means a pelt that has not been processed for purposes
8 of retail sale.

9 (5) "Animal problem" means any animal that threatens or damages
10 timber or private property or threatens or injures livestock or any
11 other domestic animal.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.15 RCW
13 to read as follows:

14 (1) It is unlawful to use or authorize the use of any steel-jawed
15 leghold trap, neck snare, or other body-gripping trap to capture any
16 mammal for recreation or commerce in fur.

17 (2) It is unlawful to knowingly buy, sell, barter, or otherwise
18 exchange, or offer to buy, sell, barter, or otherwise exchange the raw
19 fur of a mammal or a mammal that has been trapped in this state with a
20 steel-jawed leghold trap or any other body-gripping trap, whether or
21 not pursuant to permit.

22 (3) It is unlawful to use or authorize the use of any steel-jawed
23 leghold trap or any other body-gripping trap to capture any animal,
24 except as provided in subsections (4) and (5) of this section.

25 (4) Nothing in this section prohibits the use of a Conibear trap in
26 water, a padded leghold trap, or a nonstrangling type foot snare with
27 a special permit granted by director under (a) through (d) of this
28 subsection. Issuance of the special permits shall be governed by rules
29 adopted by the department and in accordance with the requirements of
30 this section. Every person granted a special permit to use a trap or
31 device listed in this subsection shall check the trap or device at
32 least every twenty-four hours.

33 (a) Nothing in this section prohibits the director, in consultation
34 with the department of social and health services or the United States
35 department of health and human services from granting a permit to use
36 traps listed in this subsection for the purpose of protecting people
37 from threats to their health and safety.

38 (b) Nothing in this section prohibits the director from granting a
39 special permit to use traps listed in this subsection to a person who
40 applies for such a permit in writing, and who establishes that there

1 exists on a property an animal problem that has not been and cannot be
2 reasonably abated by the use of nonlethal control tools, including but
3 not limited to guard animals, electric fencing, or box and cage traps,
4 or if such nonlethal means cannot be reasonably applied. Upon making
5 a finding in writing that the animal problem has not been and cannot be
6 reasonably abated by nonlethal control tools or if the tools cannot be
7 reasonably applied, the director may authorize the use, setting,
8 placing, or maintenance of the traps for a period not to exceed thirty
9 days.

10 (c) Nothing in this section prohibits the director from granting a
11 special permit to department employees or agents to use traps listed in
12 this subsection where the use of the traps is the only practical means
13 of protecting threatened or endangered species as designated under RCW
14 77.08.010.

15 (d) Nothing in this section prohibits the director from issuing a
16 permit to use traps listed in this subsection, excluding Conibear
17 traps, for the conduct of legitimate wildlife research.

18 (5) Nothing in this section prohibits the United States fish and
19 wildlife service, its employees or agents, from using a trap listed in
20 subsection (4) of this section where the fish and wildlife service
21 determines, in consultation with the director, that the use of such
22 traps is necessary to protect species listed as threatened or
23 endangered under the federal endangered species act (16 U.S.C. Sec.
24 1531 et seq.).

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.15 RCW
26 to read as follows:

27 It is unlawful to poison or attempt to poison any animal using
28 sodium fluoroacetate, also known as compound 1080, or sodium cyanide.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.15 RCW
30 to read as follows:

31 Any person who violates section 3 or 4 of this act is guilty of a
32 gross misdemeanor. In addition to appropriate criminal penalties, the
33 director shall revoke the trapping license of any person convicted of
34 a violation of section 3 or 4 of this act. The director shall not
35 issue the violator a trapping license for a period of five years
36 following the revocation. Following a subsequent conviction for a
37 violation of section 3 or 4 of this act by the same person, the
38 director shall not issue a trapping license to the person at any time.

1 NEW SECTION. **Sec. 6.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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